

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Elisabetta CARREA *et al.*

Art Unit: 3746

Application No.: **10/829,376**

Examiner: Rodriguez, William H.

Filing Date: 22 April 2004

Attorney Ref. No.: 003-130

For: GAS TURBINE

VIA EFS-Web

RESPONSE UNDER 37 C.F.R. § 1.111

Mail Stop AMENDMENT

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

In response to the Office Action dated 8 February 2006, which set a three-month shortened statutory period for response thereto, favorable reconsideration, reexamination, and allowance of the present patent application are respectfully requested in view of the following remarks. A Petition for a two-month extension of time, and the fee therefor, is filed concurrently herewith.

Withdrawal of Claims

Applicant acknowledges the withdrawal of Claims 4-7, 9-19, 23-26, and 28-40 from consideration at this time, pursuant to the Restriction / Election requirement in the Office Action dated 11 February 2005.

Personal Interview

Applicant and the undersigned wish to thank Mr. Rodriguez for the courteous and productive interview conducted on 25 May 2006. The summary provided by Mr. Rodriguez on the Interview Summary form at the conclusion of the interview is accurate, and Applicant provides below the explanations why this application satisfies the requirements of 35 U.S.C. §§ 101, 112, first paragraph. Further to the discussions during

the interview, Applicant confirms that Mr. Rodriguez indicated that the rejections of the claims under sections 101 and 112 would be withdrawn.

Rejections under 35 U.S.C. §§ 101, 112, first paragraph

At page 2 of the Office Action, Claims 1-3, 8, 20-22, 27, 41, and 42 were rejected under 35 U.S.C. § 101 as reciting subject matters that are allegedly not supported by a credible asserted utility or a well established utility. Beginning at page 3 of the Office Action, the same claims were rejected under 35 U.S.C. § 112, first paragraph, as reciting subject matters that are allegedly not supported by an enabling specification. Applicant respectfully requests reconsideration of these rejections.

Both of the rejections under sections 101, 112, are based on the same fundamental perception of the subject matter of this application, one which, as explained in detail during the personal interview, is simply incorrect. The several (somewhat rhetorical) questions posed in the Office Action concerning the claimed recirculation rates all arise from a simple misconception of the claimed subject matter, one that is easily remedied by reference to this specification. More specifically, paragraph [0005] of this specification, bridging pages 1 and 2, lays out a definition of the claim term 'recirculation rate'. That definition defines the recirculation rate as the ratio of two flow rate sums and, therefore, mathematically permits numbers greater than 1.0 (100%). Thus, all of the points raised in the Office Action which, at their cores, presume that a 'recirculation rate' must be less than 1.0 (100%) are simply in error, as recirculation rates as defined in this application can be above or below 1.0 (100%).

For at least the foregoing reasons, Applicant respectfully submits that the claimed subject matters are supported by both credible and well established utilities, and by an enabling specification. Accordingly, Applicant respectfully submits that Claims 1-3, 8, 20-22, 27, 41, and 42 meet the requirements of 35 U.S.C. §§ 101, 112, first paragraph, and therefore respectfully requests withdrawal of the rejections thereof.

Conclusion

Applicant respectfully submits that the present patent application is in condition for allowance. An early indication of the allowability of this patent application is therefore respectfully solicited.

If Mr. Rodriguez believes that a telephone conference with the undersigned would expedite passage of the present patent application to issue, he is invited to call on the number below.

It is not believed that extensions of time are required, beyond those that may otherwise be provided for in accompanying documents. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and the undersigned hereby authorizes any fees for said petition be charged to our deposit account 50-2821.

Respectfully submitted,

By: /Adam J. Cermak/
Adam J. Cermak
Reg. No. 40,391

Date: 6 July 2006

PTO Customer Number: 36844

Cermak & Kenealy LLP
515 E. Braddock Road, Suite B
Alexandria, VA 22314
703.778.6609